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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/820,546 03/29/01 BUIJTENHUIJS

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IM52/0904

EXAMINER

CINTINS, I

ART UNIT

PAPER NUMBER

1724

DATE MAILED:

09/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/820,546

Applicant(s)

Buijtenhuijs et al.

Examiner

Ivars Cintins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/381,828.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The terms "such as" (claim 1, line 1), "preferably" (claim 1, line 4; claim 4, line 2), and "if so desired" (claim 12, line 3) are vague, and indefinite as to the limitations intended. Claims 2, 3, 5-11 and 13 depend from indefinite claims, and are therefore themselves indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fickel et al (U.S. Patent No. 4,454,198) in view of Soehngen (U.S. Patent No. 4,276,179), further in view of Tymstra et al (U.S. Patent No. 2,367,384). Fickel et al

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discloses the claimed invention with the exception of the presence of a hydrophobic substance immobilized in the pores of the powdery polypropylene, and the step of regenerating this resultant material. Soehngen teaches (see col. 13, line 63 through col. 14, line 27) impregnating a polyolefinic adsorbent with a hydrophobic liquid or solid, in order to enhance the hydrocarbon contaminant adsorption capability of this polyolefinic adsorbent material. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to immobilize a hydrophobic substance of the type disclosed by Soehngen into the pores of the powdery polypropylene of Fickel et al, in order to obtain the advantages disclosed by this secondary reference for the system of the primary reference. Furthermore, Tymstra et al discloses regenerating an oil adsorbent material with steam (see page 3, left column, lines 19-20); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to regenerate the oil removing material of the modified primary reference in this manner, in order to allow this modified primary reference material to be reused.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fickel et al, Soehngen and Tymstra et al as applied above, and further in view of Larson et al (U.S. Patent

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No. 4,302,337). The modified primary reference discloses the claimed invention with the exception of the use of polystyrene as the immobilized hydrophobic substance. Larson et al discloses removing hydrocarbon contaminants from an aqueous stream with a foraminous material such as polypropylene foam (see col. 3, line 43) impregnated with polystyrene (see col. 4, line 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polystyrene of Larson et al for the immobilized hydrophobic substance of the modified primary reference, since this polystyrene is capable of enhancing the hydrocarbon adsorption capability of a polypropylene adsorbent material in substantially the same manner as the immobilized hydrophobic substance of the modified primary reference, to produce substantially the same results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
September 2, 2001